# ATTACHMENT 23

# EXHIBIT 5

1          UNITED STATES DISTRICT COURT

2         NORTHERN DISTRICT OF CALIFORNIA

3             SAN JOSE DIVISION

4    CISCO SYSTEMS, INC.,

5        Plaintiff,

6           vs.        No. 5:14-cv-05344-BLF

7    ARISTA NETWORKS, INC.,     (PSG)

8        Defendant.

9    _____

10

11    HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

12

13      VIDEOTAPED DEPOSITION OF DELL INC. 30(b)(6)

14        CORPORATE REPRESENTATIVE - GAVIN CATO

15               Palo Alto, California

16               Friday, May 20, 2016

17                    Volume I

18

19

20

21    REPORTED BY:

22    REBECCA L. ROMANO, RPR, CSR No. 12546

23    JOB NO. 2303539

24

25    PAGES 1 - 124

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1   UNITED STATES DISTRICT COURT
2   NORTHERN DISTRICT OF CALIFORNIA
3   SAN JOSE DIVISION
4 CISCO SYSTEMS, INC.,
5   Plaintiff,
6   vs.   No. 5:14-cv-05344-BLF
7 ARISTA NETWORKS, INC.,   (PSG)
8   Defendant.
9   _____
10
11
12
13   VIDEOTAPED DEPOSITION OF GAVIN CATO, taken
14 on behalf of the Defendant, at Wilson Sonsini
15 Goodrich & Rosati, 650 Page Mill Road, Palo Alto,
16 California, commencing at 10:07 a m., Friday,
17 May 20, 2016 before Rebecca L. Romano, Certified
18 Shorthand Reporter No. 12546
19
20
21
22
23
24
25

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1 APPEARANCES OF COUNSEL (CONTINUED)
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1 APPEARANCES OF COUNSEL
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7   BY MR. HOLMES   111, 122
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11 NUMBER   DESCRIPTION   PAGE
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13 Exhibit 950   Subpoena, 14 Pages;   14
14
15 Exhibit 951   LinkedIn Profile,
16   6 Pages;   15
17
18 Exhibit 952   PowerPoint - Dell Networking,
19   ARISTANDCA00265338 -
20   ARISTANDCA00265357;   26
21
22 Exhibit 953   Article - Dell PowerConnect
23   3500 Series,
24   ARISTANDCA00265417 -
25   ARISTANDCA00265418;   55

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 1          EXHIBITS (CONTINUED)
 2 NUMBER          DESCRIPTION              PAGE
 3
 4 Exhibit 954    Article - Dell Force 10
 5               Technical Training,
 6               ARISTANDCA00265422 -
 7               ARISTANDCA00265423;          79
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 9 Exhibit 955    Article - Force 10, How Does
10               your Nexus Stack Up on
11               Energy and Power,
12               ARISTANDCA00265419 -
13               ARISTANDCA00265421;          85
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15 Exhibit 956    YouTube Dell Technician
16               WebPage Video; (retained)     96
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18 Exhibit 957    Article, Dell PowerConnect
19               5200 Series Switches,
20               ARISTANDCA00265444 -
21               ARISTANDCA00265445;          100
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 1    Palo Alto, California; Friday, May 20, 2016       09:57:13
 2         10:07 a m
 3         ---o0o---
 4
 5      THE VIDEOGRAPHER:  Good morning   We are     10:07:09
 6 on the record at 10:07 a m  on May 20th, 2016
 7 This is the videotaped deposition of Dell, Inc
 8 The deponent is Gavin Cato
 9      My name is Ramon Peraza, here with our
10 court reporter, Rebecca Romano   We are here from    10:07:21
11 Veritext Legal Solutions at the request of counsel
12 for the defendant
13      This deposition is being held at
14 Wilson Sonsini in Palo Alto, and the caption of
15 this case is Cisco Systems, Inc , versus       10:07:32
16 Arista Networks, Inc  Case No  5:14-cv-05344-BLF
17 (PSG)
18      Please note that audio and video
19 recording will take place unless all parties have
20 agreed to go off the record   Microphones are      10:07:52
21 sensitive and may pick up whispers or private
22 conversations
23      At this time, counsel please identify
24 yourselves for the record and state whom you
25 represent                        10:08:01
                                        Page 8
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 1          EXHIBITS (CONTINUED)
 2 NUMBER          DESCRIPTION              PAGE
 3
 4 Exhibit 958    Article, Force 10, FTOS
 5               Command Line Interface
 6               ARISTANDCA00265424 -
 7               ARISTANDCA00265425;          103
 8
 9 Exhibit 959    PowerPoint, Force 10
10               Introduction,
11               ARISTANDCA13172775 -
12               ARISTANDCA13172831.          107
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23
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 1      MS  McCLOSKEY:  Elizabeth McCloskey on     10 08:03
 2 behalf of -- Elizabeth McCloskey of
 3 Keker & Van Nest on behalf of defendant,
 4 Arista Networks
 5      MR  HOLMES:  Drew Holmes of Quinn Emanuel     10 08:09
 6 on behalf of Cisco
 7      MR  THOMPSON:  Roderick Thompson,
 8 Farella Braun + Martel, on behalf of Dell, Inc  and
 9 witness, Mr  Cato
10      THE VIDEOGRAPHER:  The court reporter may     10:08:20
11 swear in the witness
12      THE REPORTER:  If you could raise your right
13 hand for me, please
14      THE DEPONENT:  (Complies )
15      THE REPORTER:  You do solemnly state,       10 08:35
16 under penalty of perjury, that the testimony you
17 are about to give in this deposition, shall be the
18 truth, the whole truth and nothing but the truth?
19      THE DEPONENT:  I do
20                         10:08:35
21
22
23
24
25 /////                       10:08:35
                                        Page 9
```

3 (Pages 6 - 9)

HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

1    A.  In dealing with requirements and dealing    10:41:03
2  with the customers and the expectations of the
3  customers, in talking with the developers and
4  spending time with the developers and testers.
5    Q.  For your work dealing with customers, was    10:41:26
6  it important for you to know information about
7  other vendors' CLI commands?
8    A.  No.  It was more important for
9  understanding their practice around CLIs.
10    Q.  What do you mean by understanding their    10:41:50
11  practice for CLIs?
12    A.  Understanding the customer's expectations
13  for how their users and techs would be using the
14  CLI and what they were trying to accomplish through
15  the CLI.                                10:42:07
16    Q.  Okay.  Through what you've just
17  described, did you become aware of similarities
18  between the CLI supported by Dell's Ethernet
19  routers and switches and the CLI supported by those
20  companies that you listed a moment ago?    10:42:24
21      MR. HOLMES:  Objection.  Calls for a
22  legal conclusion.  Speculation and vague.
23      THE DEPONENT:  I -- I became familiar
24  with the -- the desire for customers to have a
25  similar look and feel for the products and the    10:42:42

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1  interactions with the products for their    10:42:46
2  technicians.
3    Q.  (By Ms. McCloskey)  More specifically,
4  did you become aware -- have you become aware of
5  similarities between the CLI supported by Dell's    10:43:00
6  Ethernet routers and switches and the CLI supported
7  by Cisco's routers and switches?
8      MR. HOLMES:  Objection.  Vague.  Calls
9  for a legal conclusion.
10      THE DEPONENT:  I have become familiar    10:43:13
11  with the fact that there's similarity --
12  similarities between the CLIs.
13    Q.  (By Ms. McCloskey)  What are those
14  similarities?
15      MR. HOLMES:  Objection.  Calls for a    10:43:23
16  legal conclusion.
17      THE DEPONENT:  There's -- there's
18  similarities in terms of overall, I guess,
19  structure --
20    Q.  (By Ms. McCloskey)  Uh-huh.    10:43:40
21    A.  -- of -- of what a CLI generally looks
22  like versus a bunch of dashes, dots.  It's a
23  generalized set of expected configurations and
24  parameters that a customer would need to know for a
25  network switch.                         10:43:58

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1    Q.  What do you mean by expected    10:44:09
2  configurations?
3    A.  If you have a VLAN, then everybody --
4  there's an expectation that a VLAN and the
5  terminology around VLAN will somewhere appear in    10:44:21
6  the CLI along with the parameters necessary to
7  structure VLAN so that it interoperates across
8  multiple switches.
9    Q.  And how -- in your experience, how does
10  that expectation arise?                    10:44:37
11      MR. HOLMES:  Objection.  Calls for
12  speculation.
13      THE DEPONENT:  The expectation arises
14  from -- from the customers and from the market.
15    Q.  (By Ms. McCloskey)  Can you explain to me    10:44:56
16  a little bit more how the expectation arises from
17  the customer?
18      MR. HOLMES:  Objection.  Calls for
19  speculation and a narrative.
20      THE DEPONENT:  When you're dealing with a    10:45:17
21  customer, the customer has a certain level of
22  experience with -- with switching.  And when you're
23  going in and -- and talking to them about what they
24  want to experience with your switch, you are trying
25  to get them comfortable that they can operate your    10:45:32

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1  switch in a way that is consistent with their    10:45:35
2  expectations for the solution, and you're trying to
3  meet the -- the understanding of what they want to
4  deploy.
5    Q.  (By Ms. McCloskey)  Do you know what a    10:46:05
6  command mode is?
7    A.  I'm aware of what command modes are.
8    Q.  What are you aware, in terms of what a
9  command mode is?
10    A.  I know that command modes allow you to    10:46:18
11  enter different levels within the switch to provide
12  information for the switch for configuration or
13  data that the switch then uses to accomplish the
14  actions that drive the interoperability.
15    Q.  And have you learned what a command mode    10:46:40
16  is through your work in networking?
17    A.  Yes.
18    Q.  Do customers generally expect the Dell
19  CLI to support familiar command modes and
20  their assoc- -- and their associated prompts?    10:46:51
21      MR. HOLMES:  Objection.  Speculation.
22  Legal -- calls for a legal conclusion.
23      THE DEPONENT:  Customers expect Dell to
24  support command modes and ensure that those command
25  modes are -- are familiar with their technicians.    10:47:07

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10 (Pages 34 - 37)

HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

1   Q.  (By Ms. McCloskey)  How do you know that?   10:47:12
2   A.  Because any time we create command modes,
3   we go and we make sure that the -- the
4   documentation and customers are trained so that
5   they can operate the switches.   10:47:23
6   Q.  Would it be accurate to say that the
7   command mode supported by the Dell CLI are also
8   dictated by customer expectations?
9   A.  The command mode supported by Dell
10   switches are dictated by customer expectations, as   10:47:49
11   well as our analysis of best practices for
12   implementation of the functionality are the most
13   efficient means of implementation of the
14   functionality.
15   Q.  What do you mean by your analysis of best   10:48:04
16   practices?
17   A.  We -- we look at the -- the most familiar
18   mechanisms for the customer and we look at the --
19   the capabilities for us to remain similar across
20   Dell products, both OEM products and third-party   10:48:29
21   products.
22   Q.  So when you are doing an analysis of best
23   practices, do you consider the practices of
24   third-party products?
25   A.  We have to, in the sense that Dell   10:48:56

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1   resells third-party products, and we OEM   10:48:58
2   third-party products, and those are combined in a
3   single solution for our customers.
4   Q.  Okay.  Do customers -- in your
5   experience, do customers expect the Dell CLI to   10:49:14
6   support any particular command syntax?
7   A.  I'm aware that customers have
8   requirements, hard -- sometimes hard requirements
9   for support of particular commands and command
10   modes and sequences of CLIs.   10:49:36
11   Q.  What kind of hard requirements have you
12   become aware of?
13   A.  I've -- I've seen the hard requirements
14   in terms of you need to support this particular way
15   of scripting that is consistent with how our techs   10:49:49
16   already script and operate these in the field.
17   Q.  Are you able to give any examples of
18   command syntaxes that Dell customers expect to see
19   in the Dell CLI?
20   MR. HOLMES:  Objection.  Calls for   10:50:13
21   speculation.  Vague.
22   THE DEPONENT:  Specifically, no.
23   Q.  (By Ms. McCloskey)  Do you know what a
24   show command is?
25   A.  Yes.   10:50:20

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1   Q.  What is a show command?   10:50:20
2   A.  A show command enables you to identify
3   and show what is currently configured in the
4   switch.
5   Q.  Do Dell customers, in your experience,   10:50:31
6   expect Dell CLI to support show commands?
7   A.  Yes.
8   Q.  How do you know that?
9   A.  It's been a hard requirement from the
10   get-go and it's existed from the get-go.   10:50:47
11   Q.  What do you mean from the get-go?
12   A.  From when I joined Force10, it was there.
13   Q.  Are you familiar with the process at Dell
14   by which new commands are added to its CLI?
15   A.  Yes.   10:51:06
16   Q.  How did you become familiar with that
17   process?
18   A.  Through the discussions and -- and
19   understanding of how we implement new features and
20   functionality.   10:51:24
21   Q.  Are you responsible for the team that
22   adds new CLI commands to Dell's CLI?
23   A.  Yes.
24   Q.  Is there a particular person at Dell
25   who's responsible for what -- for deciding what   10:51:43

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1   collection of commands will constitute the CLI?   10:51:45
2   A.  No.
3   Q.  Is there a review -- a review process
4   that's used to decide whether any particular
5   command will become the final CLI command?   10:51:57
6   A.  Yes.
7   Q.  Can you tell me about that review
8   process?
9   A.  Sure.  The developers take it to a group
10   of -- of code reviewers, who then code review for   10:52:12
11   consistency with the products in Dell's solutions,
12   and those code reviewers will include architects
13   for the solutions and systems.
14   Q.  What do you mean by architects for the
15   systems and -- for the solutions and systems?   10:52:44
16   A.  Dell designates expertise for particular
17   areas, functional areas, and in the -- and then
18   overall system level architects in the system level
19   architects with generalized knowledge will make
20   that call collectively.   10:53:07
21   Q.  Are there any guidelines that are used in
22   selecting CLI commands?
23   A.  No.
24   Q.  Any informal guidelines?
25   A.  Tribal knowledge.   10:53:16

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11 (Pages 38 - 41)

HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

1 regard to the functionality they're looking to          10:58:24
2 deploy.  And we will have feedback from their
3 technicians in terms of if something meets their
4 specific needs.
5     Q.  You've referred a couple times today to          10:58:50
6 customer expectations.
7        Can you tell me a little bit more about
8 your understanding of how customer expectations
9 arise, where those expectations come from?
10    A.  Can you state the question again.               10:59:07
11    Q.  In referring today to customer
12 expectations, do you have an understanding, based
13 on your work, how customer expectations arise and
14 where they come from?
15       THE DEPONENT:  Yeah.                             10:59:18
16       MR. HOLMES:  Objection.  Vague.
17       THE DEPONENT:  Customer expectations
18 would come, typically, from prior experience in
19 switching technologies.  It would come from their
20 interactions with similar customers.  It would come   10:59:38
21 from an understanding of an end-to-end solution
22 that -- where they're trying to go and how they
23 think they want to accomplish it.
24    Q.  (By Ms. McCloskey)  By prior -- what do
25 you mean by prior experience in switching             10:59:52

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1 technologies?                                          10:59:54
2     A.  It would come from any previous
3 implementation that they had on-site and where
4 they've had pros and cons or they found ways to do
5 things more efficiently, or they've implemented a     11:00:03
6 management system that rides on top and interfaces
7 in.
8     Q.  And those previous implementations may
9 involve Dell or another vendor; is that accurate?
10    A.  Yes.                                           11:00:18
11    Q.  So a certain -- so to some extent,
12 customer expectations can arise based on customers'
13 experience with other vendors' products?
14    A.  Yes.
15    Q.  In your experience at Dell, have you had       11:00:33
16 customers request specific commands?
17    A.  I believe so, but I'm not directly
18 familiar with those requests.
19    Q.  Okay.  So you can't recall any specific
20 requests; is that right?                              11:01:06
21    A.  At Dell, no.
22    Q.  Okay.  At any other company that you
23 worked for?
24    A.  Yes.
25    Q.  Which company?                                 11:01:15

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1     A.  Extreme.                                       11:01:16
2     Q.  Do you recall a specific instance?
3     A.  Yes.
4     Q.  What -- can you tell me about that
5 instance?                                             11:01:24
6     A.  Yes.
7     Q.  Okay.  Will you tell me.
8        You're doing a very good job answering
9 the question.
10    A.  There was a large customer who had            11:01:36
11 implemented scripting technologies.  They were
12 global.  And they did not want or have the ability
13 to retrain the technicians for different interfaces
14 and different scripts and they needed their script
15 to run.  And that script required certain inputs      11:01:57
16 and certain outputs for it to run.  The
17 implementation of what was behind those inputs and
18 outputs was up to the -- you to decide.
19    Q.  Which customer was this?
20       MR. THOMPSON:  Mr. Cato, let me               11:02:22
21 interject.  Is this a sensitive --
22       THE DEPONENT:  It could be.
23       MR. THOMPSON:  -- confidential --
24       THE DEPONENT:  It would be with my prior
25 company.                                              11:02:30

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1        MS. McCLOSKEY:  Would it be sufficient to      11:02:31
2 designate the transcript highly confidential for
3 you and Mr. Cato?
4        MR. THOMPSON:  Perhaps we could confer.
5 Is that okay?                                         11:02:38
6        MS. McCLOSKEY:  Sure.  That's fine.
7 Shall we go off the record for a moment?
8        MR. THOMPSON:  Yes.
9        MS. McCLOSKEY:  Okay.
10       THE VIDEOGRAPHER:  We are off the record        11:02:44
11 at 11:02 a.m.
12       (Recess taken.)
13       THE VIDEOGRAPHER:  We are back on the
14 record at 11:09 a.m.
15       MR. THOMPSON:  So for the record, we want       11:09:16
16 to be clear that this portion of the transcript is
17 designated as highly confidential, attorneys' eyes
18 only.  I understand the whole transcript is
19 presumptively that designation, but in particular
20 we want to be sure this next answer is covered by     11:09:28
21 that.
22       MS. McCLOSKEY:  Understood.  Thank you.
23    Q.  (By Ms. McCloskey)  Before we went off
24 the record, we were talking about a customer that
25 you recalled who had requested a specific CLI         11:09:39

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13 (Pages 46 - 49)

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1 command.                                    11:09:42
2       And I had asked you, and my last question
3 was, do you recall which customer that was?
4    A.  Yes.
5    Q.  And which customer was that?           11:09:47
   ▮▮▮▮▮▮▮▮▮▮▮▮
7    Q.  You said -- and correct me if I'm wrong,
8 I believe you testified that the customer did not
9 want to -- could not do retraining; is that
10 correct?                                     11:10:02
11   A.  Correct.
12   Q.  Do you have an understanding of why the
13 customer was unable to retrain?
14   A.  Because they were too globally spread and
15 were -- were looking for a consistency for how    11:10:12
16 their technicians approached a problem and not
17 leaving variability in the field.
18   Q.  So was -- what command was this in
19 reference to?
20   A.  It was a series of demands.  It was a       11:10:32
21 full script.
22   Q.  Okay.  And they already had -- their
23 technicians were already familiar with that series
24 of commands?
25   A.  Correct.                                11:10:45

Page 50

1    Q.  Do you know how their customers --        11:10:46
2 their -- I'm sorry -- do you know how their
3 technicians had become familiar with that series of
4 demands?
5    A.  Practice.  Generalized practice.         11:10:53
6    Q.  Do you have an understanding of whether
7 that practice was developed on a specific vendor's
8 products?
9    A.  Say the question one more time.
10   Q.  Sure.                                   11:11:05
11      Do you have an understanding of whether
12 that practice was developed on a certain vendor's
13 products?
14   A.  Yes.
15   Q.  Do you know which vendor that is?        11:11:13
16   A.  Yes.
17   Q.  Which vendor is that?
18   A.  Cisco.
19   Q.  So did the customer -- am I correct in
20 understanding that the customer requested that your  11:11:28
21 company at the time implement the same series of
22 commands that its Cisco's products used?
23   A.  They requested us to get the script to
24 function and to make sure that the script
25 functioned, which included those CLI commands.   11:11:43

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1    Q.  And those were CLI commands that the     11:11:51
2 technicians had become familiar with through Cisco
3 products?
4    A   Yes
5    Q   Did your company implement, indeed, the   11:12 02
6 series of commands that the customer requested?
7    A   I remember looking at it  I don't
8 remember if we fully implemented the script
9    Q   You don't remember one way or the other?
10   A   No                                     11:12:29
11   Q   Do you remember having any concerns at
12 the time about a request to adopt commands from
13 another vendor's products?
14      MR  HOLMES:  Objection  Vague
15      MR  THOMPSON:  Object to the extent it     11:12:42
16 misstates prior testimony
17      THE DEPONENT:  I was -- I was more
18 interested in ensuring that the -- the
19 implementation was -- was our own, versus the -- I
20 wasn't necessarily concerned with the -- the input   11:13:09
21 itself
22   Q   (By Ms  McCloskey)  Why weren't you
23 concerned with the input itself?
24   A   To me, it was a mechanism for
25 communicating the same way you would communicate a  11:13:31

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1 language.                                    11:13:34
2    Q.  It was functional?
3    A.  It's a -- it's a -- it's a language.  And
4 then it's your interpretation and understanding of
5 what to implement behind that that's unique.      11:13:43
6    Q.  So what you were concerned being original
7 to your company was the implementation?
8    A.  Was the implementation and the IP around
9 the implementation.
10   Q.  Do you recall any other instance, in your   11:14:09
11 professional experience, of a customer requesting a
12 specific CLI command or commands?
13   A.  I -- I recall having the discussion a
14 number of times, but I don't recall specifics of
15 individual customers.                         11:14:27
16   Q.  Do you recall other companies asking
17 you -- other customers -- withdrawn.
18      Do you recall other customers asking you
19 to support CLI commands used -- supported by other
20 vendors?                                     11:14:39
21      MR. HOLMES:  Objection.  Vague.
22      THE DEPONENT:  I recall other customers
23 asking for us to meet their expectations for the
24 CLI.
25   Q.  (By Ms. McCloskey)  And was it your       11:14:59

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14 (Pages 50 - 53)

HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

1   understanding that those expectations were          11:15:07
2   developed through their use of other vendors'
3   products?
4       A.  Yes.
5       Q.  Changing -- oh, go ahead.                    11:15:20
6       A.  Sorry.  Sorry.
7           Other vendors or Dell products, so I
8   would say it was based off experience --
9       Q.  Okay.
10      A.  -- in general.                                11:15:26
11      Q.  Going back quickly to the discussion we
12  had about ▓▓▓▓, do you recall ever conferring with
13  Cisco about the possibility of your company
14  supporting commands supported by Cisco?
15      A.  No.                                           11:15:46
16      Q.  Do you recall consulting with your legal
17  team about the possibility of supporting commands
18  also supported by Cisco?
19          MR. THOMPSON:  We object, as -- as that
20  calls for attorney-client communications.  I -- I    11:16:01
21  instruct him not to answer.
22          MS. McCLOSKEY:  Okay.  Fair enough.
23      Q.  (By Ms. McCloskey)  Changing topics.  And
24  I'll just ask you a quick question about something
25  which you may not know.                               11:16:11

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1           But do you know the approximate number of    11:16:13
2   the CLI commands that are supported by Dell?
3       A.  No.
4           MR. HOLMES:  Objection.  Vague.
5           MS. McCLOSKEY:  Can we mark this as          11:16:30
6   Exhibit 953.
7           (Exhibit 953 was marked for identification by
8   the court reporter and is attached hereto.)
9       Q.  (By Ms. McCloskey)  Mr. Cato, I have
10  given you an exhibit which is marked at 953.          11:16:47
11          Do you recognize this document?
12          Please take any time you need to look at
13  it.
14      A.  I don't recognize the document.
15      Q.  What is the document?                         11:17:56
16          MR. HOLMES:  Objection.  Foundation.
17  Calls for speculations.
18          THE DEPONENT:  The document appears to be
19  a document identifying the -- and talking about the
20  PowerConnect 3500 series.                             11:18:12
21      Q.  (By Ms. McCloskey)  What is the
22  PowerConnect 3500 series?
23      A.  It is an Ethernet switch that is OEM'd by
24  Dell.  The software is OEM'd by Dell.  The hardware
25  is Dell hardware.                                     11:18:34

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1       Q.  Are you familiar with this switch,           11:18:38
2   generally?
3       A.  Yes.
4       Q.  Do you have an understanding of what a
5   document like this would be used for?                11:18:46
6           MR. HOLMES:  Objection.  Vague.
7           THE DEPONENT:  The document would be used
8   to communicate capabilities of the switch to a
9   customer.
10      Q.  (By Ms. McCloskey)  So it -- is it like a    11:19:02
11  marketing document?
12      A.  Yes.
13      Q.  Have you seen other similar Dell
14  marketing documents similar to this document?
15      A.  Yes.                                          11:19:11
16      Q.  Can I direct your attention on the first
17  page which it says "Easy, powerful management," the
18  subheading, I'm just going to read to you part of
19  that sentence.
20          "PowerConnect 3500 series switches           11:19:21
21  support a number of industry-standard management
22  interfaces such as web-based management, Command
23  Line Interface (CLI)," and then it continues on.
24          Do you see that?
25      A.  Yes.                                          11:19:45

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1       Q.  And then if you turn over the page to the   11:19:45
2   back side under the section on "Management," do you
3   see where it says, "Industry-standard CLI
4   accessible via Telnet or Local Serial Port"?
5       A.  Yes.                                          11:19:51
6       Q.  Focusing on that term "industry-standard
7   CLI," have you heard that term used before in
8   relation to switchers and routers?
9           MR. HOLMES:  Objection.  Foundation.
10          THE DEPONENT:  Yes.                           11:20:03
11      Q.  (By Ms. McCloskey)  How have you heard
12  that term before?
13      A.  I've heard it both from customers, from
14  engineers within my team, outside my team.  It's
15  consistent.                                           11:20:19
16      Q.  So based on your experience in
17  networking, you've heard the term of
18  "industry-standard CLI" in a variety of contexts;
19  is that correct?
20      A.  Yes.                                          11:20:30
21      Q.  From a variety of different entities; is
22  that correct?
23      A.  Yes.
24      Q.  Do you have an understanding of what the
25  term "industry-standard CLI" refers to?              11:20:37

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15 (Pages 54 - 57)

1   A.  Yes.                          11:20:45
2   Q.  What does it refer to?
3   A.  It refers to the practices in the
4  industry, in general, relative to the CLI and the
5  implementation of the CLI in the industry.    11:20:56
6   Q.  What do you mean the practices in the
7  industry, in general?
8   A.  Expectations from the industry for -- and
9  customers for -- for certain capabilities that must
10  exist within the CLI.                11:21:13
11   Q.  You mentioned that you'd heard the term
12  industry-standard CLI from customers; is that
13  correct?
14   A.  Yes.
15   Q.  In what context have you heard customers   11:21:30
16  refer to industry-standard CLI?
17   A.  We've heard it in terms of communication
18  of requirements or communication of -- of their
19  practices internally.
20   Q.  So based on communications you've had     11:21:47
21  with customers, you understand that customers
22  expect industry-standard CLI?
23   A.  Yes.
24   Q.  In your experience, why do you understand
25  that customers expect -- expect industry-standard   11:21:58

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1  CLI?                              11:22:02
2   A.  My understanding is because they want
3  to -- they want their technicians to behave a
4  certain way or their -- their network
5  administrators to behave a certain way and -- and   11:22:15
6  they want a level of consistency, in terms of the
7  expected results.
8   Q.  Is the term industry-standard CLI a term
9  you've heard customers use frequently?
10      MR. THOMPSON:  Objection.  Vague.       11:22:35
11      THE DEPONENT:  I -- I've heard it
12  consistently.
13   Q.  (By Ms. McCloskey)  You mentioned that
14  you'd heard the term industry-standard CLI from
15  engineers.                          11:22:46
16      Do you recall in what context you've
17  heard engineers use the term industry-standard CLI?
18   A.  Sure.  In terms of when you're -- you're
19  talking about how to -- when we OEM a product or
20  we -- or we're configuring a multiple vendor     11:23:00
21  solution, the term will come up, you know, what --
22  what do we need to do with the CLI, or what do we
23  need to do for the interface of the management
24  tools and how it's industry standard.
25   Q.  Just so the record is clear, can you     11:23:17

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1  explain what you mean by OEM?            11:23:19
2   A.  OEM.  Other equipment manufacturer.
3   Q.  Thank you.
4   A.  So, for example, the software on here
5  wasn't necessarily developed by us.        11:23:29
6   Q.  Okay.  Does Dell have a policy with
7  respect to its use of industry-standard commands?
8      MR. HOLMES:  Objection.  Assumes facts
9  not in evidence.
10      THE DEPONENT:  There's no formal policy.   11:23:51
11   Q.  (By Ms. McCloskey)  Does Dell make an
12  effort to adopt industry-standard commands where
13  appropriate?
14   A.  Yes.
15   Q.  Can you explain to me when it's         11:24:02
16  appropriate for a company such as Dell to adopt
17  industry-standard commands?
18   A.  Dell tries to -- within its technologies,
19  tries to remain consistent about the open standards
20  in the industry and -- and make sure that we      11:24:17
21  provide interoperability across platforms for the
22  end-to-end solutions.  So we try to avoid, as much
23  as possible, any priority implementations.
24   Q.  So it sounds to me like Dell tries to use
25  the industry-standard commands as much as possible.   11:24:42

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1   A.  We try to use what our -- we try to make   11:24:45
2  sure that we're meeting our customer expectations.
3  So whatever the customer expectations are and
4  whatever we can do to make sure that we have a
5  level of consistency across Dell's full -- full    11:24:58
6  portfolio, we will do.
7   Q.  Do customers generally expect
8  industry-standard commands?
9      MR. HOLMES:  Objection.  Calls for
10  speculation.  Foundation.             11:25:11
11      THE DEPONENT:  In general, yes.
12   Q.  (By Ms. McCloskey)  How do you know that?
13   A.  Conversations with different customers
14  and just through travel knowledge, in general.
15   Q.  So through your experience in networking   11:25:25
16  over, I guess, almost 20 years, you understand that
17  customers generally expect industry-standard
18  commands?
19   A.  Yes.
20   Q.  Are there any circumstances in which Dell   11:25:42
21  does not adopt industry-standard commands?
22   A.  We will not adopt an industry-standard
23  command if we don't think that the underlying
24  functionality can be developed without violating
25  somebody else's intellectual property.        11:26:02

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16 (Pages 58 - 61)

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1    Q.  What do you mean by, when the underlying    11:26:05
2  functionality can't be developed without violating
3  someone else's intellectual property?
4    A.  If -- if there is intellectual property
5  across the implementation of a particular --    11:26:15
6  particular protocol or -- or particular innovation
7  and the command is simply an interface into that
8  innovation, we won't --
9    Q.  I see.
10    A.  -- touch it.                   11:26:33
11    Q.  Okay.  Is it your understanding then that
12  Dell uses many CLI commands that are also supported
13  by other networking equipment vendors in the
14  industry?
15    A.  Can you restate that one.       11:26:51
16    Q.  Sure.
17      Is it your understanding then that Dell
18  uses many CLI commands that are also supported by
19  other networking equipment vendors in the industry?
20      MR. HOLMES:  Objection.  Vague.  Calls    11:27:02
21  for speculation.
22      THE DEPONENT:  Sorry.  One more time.
23      MS. McCLOSKEY:  Sure.  No problem.
24    Q.  (By Ms. McCloskey)  Is it your
25  understanding that Dell uses many CLI commands that    11:27:14

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1  are also supported by other networking equipment    11:27:17
2  vendors in the industry?
3    A.  Yes.
4      MR. HOLMES:  Same objections.
5    Q.  (By Ms. McCloskey)  How do you know that?    11:27:25
6    A.  Because it's an industry standard.
7    Q.  Do you have an understanding as to
8  whether Cisco uses many CLI commands that are also
9  supported by other networking equipment vendors in
10  the industry?                   11:27:49
11      MR. HOLMES:  Objection.  Vague.  Calls
12  for speculation.
13      THE DEPONENT:  I'm aware that some of
14  their commands are consistent with other vendors.
15    Q.  (By Ms. McCloskey)  How do you know that?    11:27:56
16    A.  Because they're industry standard.
17    Q.  Are you generally familiar with some of
18  Cisco's CLI commands?
19    A.  I'm generally familiar with the fact,
20  yes.                   11:28:09
21      (Discussion off the stenographic record.)
22    Q.  (By Ms. McCloskey)  I think you would
23  agree with this, but would you agree that commands
24  that are used by many different vendors and that
25  customers expect to see in an Ethernet switch are    11:28:24

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1  fairly called industry-standard commands?    11:28:29
2    A.  Yes.
3    Q.  Would it be fair to say that Dell and
4  Cisco's CLI commands may overlap, to the extent
5  both use industry-standard CLI commands?    11:28:36
6      MR. HOLMES:  Objection.  Vague.  Calls
7  for speculation.
8      THE DEPONENT:  Yes.
9    Q.  (By Ms. McCloskey)  Are you aware of
10  other vendors with whom Dell's CLI commands    11:28:45
11  overlap?
12    A.  Yes.
13    Q.  Which vendors?
14    A.  Anybody that uses that same industry
15  standard.  So it would be Arista.  I believe    11:28:56
16  Juniper.  Extreme.  Enterasys.  Anybody that uses
17  the Broadcom, PowerConnect software or Level --
18  Level 7 software.
19    Q.  So many vendors use the industry-standard
20  CLI demands?                   11:29:18
21    A.  Yes.
22      MR. HOLMES:  Objection.  Calls for
23  speculation.
24    Q.  (By Ms. McCloskey)  Has -- has Dell ever
25  considered whether it was somehow wrong to use CLI    11:29:36

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1  commands that are also supported by Cisco?    11:29:39
2    A.  No.
3      MR. HOLMES:  Objection.  Vague.  Calls
4  for a legal conclusion.
5    Q.  (By Ms. McCloskey)  Is it fair to say    11:29:47
6  that if Dell thought that it was wrong to use a
7  certain CLI command, it wouldn't use it?
8    A.  Yes.
9      MR. HOLMES:  Same objections.
10    Q.  (By Ms. McCloskey)  Is it fair to say    11:29:55
11  that if Dell thought it was illegal to use a
12  certain CLI command, it wouldn't use it?
13    A.  Yes.
14      MR. HOLMES:  Same objections.
15    Q.  (By Ms. McCloskey)  Have you ever    11:30:03
16  discussed with others the fact that the Dell CLI --
17  that the CLI supported by Dell shares commands in
18  common with the CLI supported by Cisco?
19      MR. THOMPSON:  Let me just caution the
20  witness, you should exclude any communications with    11:30:13
21  your lawyers.
22      THE DEPONENT:  Agree.
23    Q.  (By Ms. McCloskey)  Thank you.
24      Would you like me to read the question?
25    A.  Yes, please.                   11:30:22

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17 (Pages 62 - 65)

1    A.  Since 2001.                    12:17:44

2    Q.  I see 2011.

3    A.  Or 2011.  Sorry.  2011.

4    Q.  So you have been aware of the industry

5 standard at least since June of 2011?          12:17:53

6    A.  Yes.

7        MR. HOLMES:  Objection.  Vague.

8    Q.  (By Ms. McCloskey)  Is that your earliest

9 memory of being aware of the industry-standard CLI?

10    A.  Yes.                          12:18:01

11        MR. HOLMES:  Objection.  Vague.

12    Q.  (By Ms. McCloskey)  Earlier today you

13 listed a series of vendors for whom your teams have

14 used their switches.  I have down Brocade, Cisco,

15 Arista, Juniper, NETGEAR, Extreme and Dell.     12:18:20

16        Is it your understanding that each of

17 those companies -- and I would be happy to ask you

18 one by one, if that's easier -- support the

19 industry-standard CLI?

20        MR. HOLMES:  Objection.  Calls for        12:18:33

21 speculation.  Vague.  Beyond the scope.

22        THE DEPONENT:  Can you ask the question

23 one more time.

24    Q.  (By Ms. McCloskey)  Sure.

25        Earlier today you talked about          12:18:43

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1 familiarity with -- with vendors, including        12:18:44

2 Brocade, Cisco, Arista, Juniper, NETGEAR, Extreme

3 and Dell.

4        Is it your understanding that each of

5 those vendors support the industry-standard CLI?   12:18:55

6        MR. HOLMES:  Same objections.

7        THE DEPONENT:  Yeah, I would be

8 speculating.

9    Q.  (By Ms. McCloskey)  I'm going to ask you

10 entity by entity, so to the extent you know, you    12:19:08

11 can answer.

12        Do you understand whether Brocade

13 supports the industry-standard CLI?

14        MR. HOLMES:  Objection.  Asked and

15 answered.  Beyond the scope.  Calls for          12:19:13

16 speculation.

17        THE DEPONENT:  I'd be speculating.

18    Q.  (By Ms. McCloskey)  Do you understand

19 whether Cisco supports the industry-standard CLI?

20        MR. HOLMES:  Same objections.          12:19:24

21        THE DEPONENT:  My understanding is that

22 they would support the industry standard.

23    Q.  (By Ms. McCloskey)  Do you understand

24 whether Arista supports the industry-standard CLI?

25        MR. HOLMES:  Same objections.          12:19:35

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1        THE DEPONENT:  I'd be speculating, but my    12:19:35

2 understanding, in general, is that, yes, there's

3 aspects of the industry standard support.

4    Q.  (By Ms. McCloskey)  Do you understand

5 whether Juniper supports the industry-standard CLI?   12:19:44

6        THE DEPONENT:  I'd be speculating, in

7 general.

8    Q.  (By Ms. McCloskey)  Do you have any

9 knowledge with respect to NETGEAR?

10    A.  No.                          12:19:55

11    Q.  Does Extreme support the

12 industry-standard CLI?

13        MR. HOLMES:  Same objections.

14        THE DEPONENT:  Extreme supports aspects

15 of the industry standard.               12:20:04

16    Q.  (By Ms. McCloskey)  Are there any other

17 entities that I haven't mentioned that you believe

18 support the industry-standard CLI, based on your

19 experience?

20    A.  Not that come to the top of my head.     12:20:12

21        MS. McCLOSKEY:  I'm going to mark this

22 exhibit, which is a video, Exhibit 956.

23        (Exhibit 956 was marked for identification by

24 the court reporter and is attached hereto.)

25    Q.  (By Ms. McCloskey)  I'm on a YouTube page    12:20:26

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1 for the Dell Tech Center.                12:20:28

2        Have you seen this YouTube -- YouTube

3 page before?

4    A.  No.

5    Q.  Do you have an understanding of whether     12:20:33

6 Dell has a YouTube -- YouTube -- I guess a YouTube

7 channel?

8    A.  No.

9        MR. HOLMES:  Objection.  Foundation.

10    Q.  (By Ms. McCloskey)  What -- what is the     12:20:42

11 Dell Tech Center?

12        MR. HOLMES:  Foundation.  Objection.

13        THE DEPONENT:  I'm not sure.

14    Q.  (By Ms. McCloskey)  I'm going to bring up

15 a video that I've previously seen, and I'm just     12:20:51

16 going to play you a little bit of this video.  Let

17 me turn the volume up.

18        (Video playing.)

19    Q.  (By Ms. McCloskey)  I'll edit there,

20 unless you want to see any more of it.  I'm just     12:22:42

21 going to ask you a few questions about it.

22    A.  Okay.

23    Q.  Have you ever seen that video before?

24    A.  No.

25    Q.  What do you understand that video to be?    12:22:49
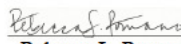
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25 (Pages 94 - 97)

1 Do you understand it to be a comparison of the CLI          12:22:51
2 supported by Dell and the CLI supported by Cisco?
3          MR. HOLMES:  Objection.  Vague.
4 Foundation.  And assumes facts not in evidence.
5 It's also compound.                                          12:22:59
6          THE DEPONENT:  My understanding would be
7 that it is probably trying to help market the -- if
8 somebody understood generalized structures for a
9 Cisco switch, that they could generally understand
10 what to do on a Dell switch.                                12:23:19
11          MR. HOLMES:  It's also beyond the scope.
12    Q.  (By Ms. McCloskey)  What would be the
13 purpose of a video -- of this video?
14          MR. HOLMES:  Same objections.
15    Q.  (By Ms. McCloskey)  Withdrawn.                       12:23:30
16          What is the purpose of this video, to the
17 best of your understanding?
18          MR. HOLMES:  Objection.
19          THE DEPONENT:  I'd be speculating.
20          MR. THOMPSON:  That does call for             12:23:36
21 speculation.
22          You can answer.
23          MR. HOLMES:  Objection.  Beyond the
24 scope.  Calls for speculation.
25          THE DEPONENT:  I'd be speculating, but I     12:23:42

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1 would assume that it -- it could be intended for a          12:23:43
2 multi-vendor environment.  We're going in and
3 somebody is operating a Cisco switch and a Dell
4 switch, or for marketing, in general, to a Cisco
5 customer.                                                    12:23:55
6    Q.  (By Ms. McCloskey)  And so is it
7 important for the audience of this video to
8 understand that the similarities between the -- the
9 CLI supported by Dell and the CLI supported by
10 Cisco?                                                      12:24:06
11          MR. HOLMES:  Objection.  Calls for a
12 legal conclusion.  Calls for speculation.  Vague.
13 Beyond the scope.
14          THE DEPONENT:  I'd be speculating, but I
15 would assume that for whoever was viewing the video     12:24:14
16 it would be important for them to understand that
17 any knowledge that they brought in from a Cisco
18 script could translate, so that you could have an
19 understanding of what to do on a Dell switch.
20    Q.  (By Ms. McCloskey)  And so do you           12:24:35
21 understand that it would educate a viewer of this
22 video that, for example, the training time to get
23 up to speed on a Dell switch, if you knew how to
24 use a Cisco switch, would be less than it would be
25 otherwise?                                                  12:24:48

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1          MR. THOMPSON:  Same objections.              12:24:48
2          THE DEPONENT:  I would be speculating,
3 but I would assume it would show that, as a video
4 would, between any other switch vendor and our
5 vendor.  We would try and show the similarities so     12:25:00
6 that we could make that easier in terms of
7 translation.
8          MS. McCLOSKEY:  Sorry.  All right.  I'll
9 close this down.
10          I just have a couple more documents I'd     12:25:12
11 like to show you and then I will be ready to wrap
12 up for the day.
13          Let's mark this as Exhibit 957.
14          (Exhibit 957 was marked for identification by
15 the court reporter and is attached hereto.)           12:25:22
16    Q.  (By Ms. McCloskey)  Mr. Cato, I've handed
17 you a document that's been marked 957.
18          Do you recognize this document?
19    A.  I do not.
20    Q.  Can you take a brief look at this             12:25:47
21 document and tell me whether you have an
22 understanding of what this document is?
23    A.  It looks like a -- a marketing document
24 associated with the PowerConnect series of
25 switches.                                               12:26:10

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1    Q.  A Dell marketing document?                      12:26:10
2    A.  A Dell marketing document.
3    Q.  And I'm going to direct your attention,
4 again, to language that's similar to language we've
5 already looked at today where it says "Easy,          12:26:18
6 Powerful Management."
7          I'll read to you the first sentence.
8 "PowerConnect 5200 Series switches support a number
9 of management interfaces, including an easy-to-use
10 embedded Web interface as well as an industry       12:26:31
11 standard Command Line Interface (CLI) which allows
12 network administrators to utilize existing switch
13 configurations skills."
14          Do you see that?
15    A.  I do.                                          12:26:44
16    Q.  Is this the same industry-standard CLI
17 which we've been discussing today?
18          MR. HOLMES:  Objection.  Foundation.
19 Calls for speculation.
20    Q.  (By Ms. McCloskey)  Withdrawn.               12:26:55
21          Does this reference the same
22 industry-standard CLI which we have been discussing
23 today?
24          MR. HOLMES:  Same objection.
25          THE DEPONENT:  Yes, it does.  It would be   12:27:01

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26 (Pages 98 - 101)

1 important to know that the Dell OEM's the          12:27:03
2 PowerConnect, I believe, full series --
3    Q.  (By Ms. McCloskey)  Okay.
4    A.  -- so that the software is not
5 necessarily Dell-produced software.               12:27:14
6    Q.  Do you have an understanding of whose
7 software it would be?
8    A.  Yes.
9    Q.  Who is that?
10    A.  Broadcom.                                  12:27:24
11    Q.  So am I correct in understanding that
12 this document indicates that the Broad- -- Broadcom
13 software supports the industry-standard CLI?
14    A.  I believe so, yes.
15    Q.  Do you have any reason to question        12:27:36
16 whether the Broadcom software supports the
17 industry-standard CLI?
18       MR. THOMPSON:  Same objections.
19       THE DEPONENT:  No.  My comment was not
20 familiarity with this particular series or -- or    12:27:45
21 the particular switch, and just going from memory
22 in terms of who has Broadcom software versus who
23 has Dell software on the individual switches.
24       MS. McCLOSKEY:  Okay.  Thanks.  You can
25 put that document aside.                          12:28:08

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1       I'm going to show you a document which is   12:28:08
2 marked 958.
3       (Exhibit 958 was marked for identification by
4 the court reporter and is attached hereto.)
5    Q.  (By Ms. McCloskey)  Mr. Cato, I've handed   12:28:11
6 you a document which is marked Exhibit 958.
7       Do you recognize this document?
8    A.  No.
9    Q.  Can you please take a look at this
10 document and tell me what your understanding is    12:28:29
11 that it is?
12       MR. HOLMES:  Objection.  Foundation.
13       THE DEPONENT:  It looks like it's a
14 marketing document talking about the CLI on
15 Force10's operating system.                       12:29:41
16    Q.  (By Ms. McCloskey)  Have you seen
17 documents like this before?
18       MR. HOLMES:  Objection.  Vague.
19       THE DEPONENT:  I've seen similar
20 documents.                                        12:29:57
21    Q.  (By Ms. McCloskey)  And -- and just to be
22 clear, it's a Dell marketing document about CLI; is
23 that correct?
24       MR. HOLMES:  Objection.  Foundation.
25       THE DEPONENT:  I am unable to tell if it    12:30:04

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1 was a Force10 or a Dell document.  It depends on   12:30:06
2 timing.  It looks like it was a Force10 document.
3    Q.  (By Ms. McCloskey)  Do you see on the
4 middle of the front -- front page where it says,
5 "The FTOS CLI combines an industry-standard show,   12:30:16
6 configuration and debugging syntax with" -- "with
7 enhanced usability and navigation features.  As a
8 result, configuration and troubleshooting is just
9 like working on an iOS platform, but more
10 comfortable."                                      12:30:33
11       Do you see that?
12    A.  Yes.
13    Q.  Do you have an understanding of what this
14 document refers to when it references an industry
15 standard show syntax?                             12:30:46
16       MR. HOLMES:  Objection.  Foundation.
17       THE DEPONENT:  It would be -- my
18 assumption is that the author intended to
19 demonstrate that the -- the CLI implementation was
20 what customers would expect for the industry       12:31:10
21 standard, and that they had gone and also provided
22 additional commands for -- for making some of the
23 navigation or some of the implementation easier.
24 So it looks like they have implemented an industry
25 standard and then additional commands.            12:31:28

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1    Q.  (By Ms. McCloskey)  Which additional        12:31:31
2 commands are those?
3    A.  It -- I -- I'd be speculating.
4    Q.  Okay.  What does iOS refer to?
5       MR. HOLMES:  Objection.  Vague.             12:31:45
6 Foundation.
7       THE DEPONENT:  I believe iOS refers to
8 Cisco's operating system.
9    Q.  (By Ms. McCloskey)  So is it your
10 understanding --                                   12:31:53
11    A.  -- on one of their -- on some of their
12 switches.
13    Q.  Thank you for that clarification.
14       Is it your understanding that this
15 document -- this marketing document is indicating   12:31:59
16 to customers that configuration and troubleshooting
17 is similar to working on a Cisco iOS platform?
18       MR. HOLMES:  Objection.  The document
19 speaks for itself.  Foundation.
20       THE DEPONENT:  I believe that it's         12:32:13
21 indicating that if you -- if you are familiar with
22 the industry-standard aspects of the Cisco, you
23 would be familiar with the industry-standard
24 aspects of the Dell switch, or the Force10 switch
25 in this case.                                      12:32:32

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| | |
|---|---|
| 1 property.                              12:49:21 | 1    I, Rebecca L. Romano, a Certified Shorthand |
| 2    MS. McCLOSKEY: I have no further | 2 Reporter of the State of California, do hereby certify: |
| 3 questions. Thank you very much. | 3    That the foregoing proceedings were taken before me |
| 4    MR. HOLMES: I have one final question. | 4 at the time and place herein set forth; that any |
| 5    FURTHER EXAMINATION           12:49:32 | 5 witnesses in the foregoing proceedings, prior to |
| 6 BY MR. HOLMES: | 6 testifying, were administered an oath; that a record of |
| 7    Q. Sir, we discussed a company called | 7 the proceedings was made by me using machine shorthand |
| 8 Force10 today. | 8 which was thereafter transcribed under my direction; |
| 9    Do you remember that? | 9 that the foregoing transcript is true record of the |
| 10   A. Yes, sir.                       12:49:36 | 10 testimony given. |
| 11   Q. And you're not here as a | 11    Further, that if the foregoing pertains to the |
| 12 representative -- corporate representative of | 12 original transcript of a deposition in a Federal Case, |
| 13 Force10, are you? | 13 before completion of the proceedings, review of the |
| 14   A. I am not. | 14 transcript [ ] was [X] was not requested. |
| 15   Q. And you don't work for Force10 currently,   12:49:42 | 15    I further certify I am neither financially |
| 16 right? | 16 interested in the action nor a relative or employee of |
| 17   A. I work for Dell. | 17 any attorney or any party to this action. |
| 18    MR. HOLMES: No further questions. | 18    IN WITNESS WHEREOF, I have this date subscribed my |
| 19 Thank you. | 19 name. |
| 20    THE VIDEOGRAPHER: This is the end of   12:49:48 | 20    Dated: May 26, 2016 |
| 21 today's deposition of Dell, Inc. The deponent is | 21 |
| 22 Gavin Cato. We are off the record at 12:49 p.m. | 22 |
| 23 Thank you. | 23    _Rebecca S. Romano_ |
| 24    (TIME NOTED: 12:49 p.m.) | 24    Rebecca L. Romano, RPR, |
| 25 | 25    CSR. No 12546 |
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| | |
|---|---|
| 1    I declare under penalty of perjury | |
| 2 under the laws that the foregoing is | |
| 3 true and correct. | |
| 4 | |
| 5    Executed on _____ , 20___ , | |
| 6 at _____, _____ . | |
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